

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

MDL NO. 1456

THIS DOCUMENT RELATES TO:

ALL ACTIONS

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

**CLASS COUNSEL'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO
SUBMIT POSITION STATEMENTS REGARDING NOTICE OF VOLUNTARY
DISMISSAL FILED BY LARRY YOUNG AND KEN WRIGHT**

Class Counsel respectfully move this Court for entry of an order extending the time by which Class Counsel and the J&J Defendants (collectively “the Parties”) must submit their Position Statements regarding the Notice of Voluntary Dismissal filed by Larry Young and Ken Wright. As grounds for the foregoing, Class Counsel states as follows:

1. On March 26, 2010, Don Haviland filed a Notice of Voluntary Dismissal, seeking to dismiss without prejudice the “individual claims” of plaintiffs Larry Young, on behalf of the Estate of Patricia Young, and Ken Wright, the co-executor of the Estate of Therese Shepley, on behalf of the Estate of James Shepley. *See* Dkt. No. 7013.

2. On March 31, 2010, this Court held a status conference regarding Mr. Haviland’s Notice. At that conference this Court set a hearing on Mr. Haviland’s Notice for May 3rd. In addition, the Parties represented that they would file Position Statements regarding Mr. Haviland’s Notice.

3. On April 9, 2010, the computer network server of Class Counsel charged with the drafting of the Position Statement and accompanying pleadings suffered a catastrophic failure

such that the Position Statement and accompanying pleadings were lost and cannot be retrieved. Over the weekend restoration was attempted but failed. Therefore, the Position Statement and accompanying pleadings need to be redrafted.

4. Accordingly, Class Counsel request a short extension of time, until Friday, April 16th, to complete these filings. The J&J Defendants would likewise file their Position Statement on April 16th. Thereafter Mr. Haviland has informed counsel for the Parties that he intends to file a motion to dismiss based on the content of the Position Statements filed by the Parties. This short extension of time should give the Court sufficient time to review both the Position Statements as well as Mr. Haviland's motion in advance of the May 3rd hearing on Mr. Haviland's Notice.

WHEREFORE Class Counsel respectfully request that this Court enter an order extending the time that the Parties must submit their Position Statements and any accompanying pleadings until April 16, 2010.

DATED: April 12, 2010

By /s/ Steve W. Berman
Thomas M. Sobol (BBO#471770)
Edward Notargiacomo (BBO#567636)
Hagens Berman Sobol Shapiro LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Telephone: (617) 482-3700
Facsimile: (617) 482-3003

LIAISON COUNSEL

Steve W. Berman
Sean R. Matt
Hagens Berman Sobol Shapiro LLP
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Jeffrey Kodroff
John Macoretta
Spector, Roseman Kodroff & Willis, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

Kenneth A. Wexler
Jennifer Fountain Connolly
Wexler Wallace LLP
55 W. Monroe, Suite 3300
Chicago, IL 60603
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

Marc H. Edelson
Hoffman & Edelson LLC
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

CLASS COUNSEL

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing, **CLASS COUNSEL'S UNOPPOSED MOTION FOR EXTENSION OF TIME TO SUBMIT POSITION STATEMENTS REGARDING NOTICE OF VOLUNTARY DISMISSAL FILED BY LARRY YOUNG AND KEN WRIGHT**, to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on April 12, 2010, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Steve W. Berman

Steve W. Berman